

PATENT
Serial No. 09/876,198
Amendment in Reply to Final Office Action of July 26, 2005

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

In the Final Office Action, claims 2-10 and 12-21 were objected to for certain informalities. In response, claims 1-25 have been amended to remove the informalities noted by the Examiner, as well as other informalities. Claims 1-25 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. Accordingly, withdrawal of the objection to the claims 2-10 and 12-21 is respectfully requested.

In the Office Action, claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,963,264 (Jackson). Further, claims 5-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of U.S. Patent No. 6,219,640 (Dimitrova). In addition, claims 11-14 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of U.S. Patent No. 6,252,629 (Takatori). Moreover, claims

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15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of Takatori and Dimitrova. Further, claims 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of U.S. Patent No. 5,526,130 (Kim).

In response, independent claims 1, 11 and 21-22 have been amended to better clarify the present invention as recited therein. Claims 1, 11 and 21-22 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. It is respectfully submitted that claims 1-25 are patentable over Jackson, Dimitrova, Takatori and Kim for at least the following reasons.

Jackson is directed to selecting a digital TV program for recording and control of a recording device, where a user selects for recording a program listed in an electronic programming guide (EPG). The Jackson device monitors updated EPGs for changes in scheduling for the selected program. That is, Jackson requires that the EPG be updated with the changed start and stop times, which are obtained from the updated EPG.

In stark contrast, the present invention as recited in independent claim 1, which is also similarly recited in independent claims 11 and 21-22, requires:

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obtaining from said at least one program a first value representing characteristics data of said at least one program at said start time; ...
obtaining from said at least one program a second value representing characteristics data of said at least one program at said end time; ...
(Emphasis added)

For example, claim 22 recite:

A system for processing a catalog of electronic programming information, in which said catalog contains information for a program, wherein a start time and end time of said program is stored, in which said program is represented by characteristic data gathered from said program,
...

obtain said characteristic data, program channel selection, and said start time and said end time from said catalog; and

monitor said video signal source at time proximal to said program start time, comparing said characteristic data with complimentary characteristic data generated from said video signal source; and

(a) when said characteristic data obtained from said catalog is equivalent to said complimentary characteristic data generated from said video signal source,... (Emphasis added)

These features provide substantial benefits, such as not requiring EPG updates, as is the case in Jackson. In the case where the EPG is not updated with the changed start and stop times for a program, the present invention still provides desired operation since the start and stop times are determined from "corresponding values obtained from said program input" which is

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currently being received by the VCR for example, or "generated from said video signal source" as recited in independent claims 1, 11 and 21-22.

Jackson is completely silent about obtaining desired data from the program that is being received itself. Rather, Jackson obtains data from an EPG which is updated. Dimitrova, Takatori and Kim are cited to show other features recited in the claims but not taught or suggested by Jackson, and do not remedy the feature noted above and further discussed below.

Accordingly, it is respectfully submitted that independent claims 1, 11 and 21-22 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10, 12-20 and 23-25 should also be allowed at least based on their dependence from independent claims 1, 11 and 22, as well as for the separately patentable elements contained in each of the dependent claims.


In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed

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attempts by others to invent the invention, and the like, should
that become necessary.

In view of the above, it is respectfully submitted that the
present application is in condition for allowance, and a Notice of
Allowance is earnestly solicited.

Respectfully submitted,

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